



# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Docket No.  
50011-00006

Total Pages in this Submission  
35

## TO THE COMMISSIONER FOR PATENTS

Mail Stop Patent Application

P.O. Box 1450

Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**"FENCE POST ACCESSORY APPARATUS"**

and invented by:

BURKART, ET AL.

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: 09/974,101

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: 29/193,554

Which is a:

Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Enclosed are:

### Application Elements

1.  Filing fee as calculated and transmitted as described below
2.  Specification having 20 pages and including the following:

- a.  Descriptive Title of the Invention
- b.  Cross References to Related Applications (*if applicable*)
- c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
- d.  Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
- e.  Background of the Invention
- f.  Brief Summary of the Invention
- g.  Brief Description of the Drawings (*if filed*)
- h.  Detailed Description
- i.  Claim(s) as Classified Below
- j.  Abstract of the Disclosure

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**(Small Entity)**

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**Application Elements (Continued)**

3.  Drawing(s) (when necessary as prescribed by 35 USC 113)
  - a.  Formal Number of Sheets \_\_\_\_\_
  - b.  Informal Number of Sheets 10
4.  Oath or Declaration
  - a.  Newly executed (*original or copy*)  Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
  - c.  With Power of Attorney  Without Power of Attorney
  - d.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7.  Application Data Sheet (See 37 CFR 1.76)
8.  Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all must be included*)
  - a.  Computer Readable Form (CFR)
  - b.  Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  Paper
  - c.  Statement(s) Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(B) Statement (when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement/PTO-1449  Copies of IDS Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15.  Certified Copy of Priority Document(s) (if foreign priority is claimed)
16.  Certificate of Mailing

First Class  Express Mail (*Specify Label No.*): EV328105052US

**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

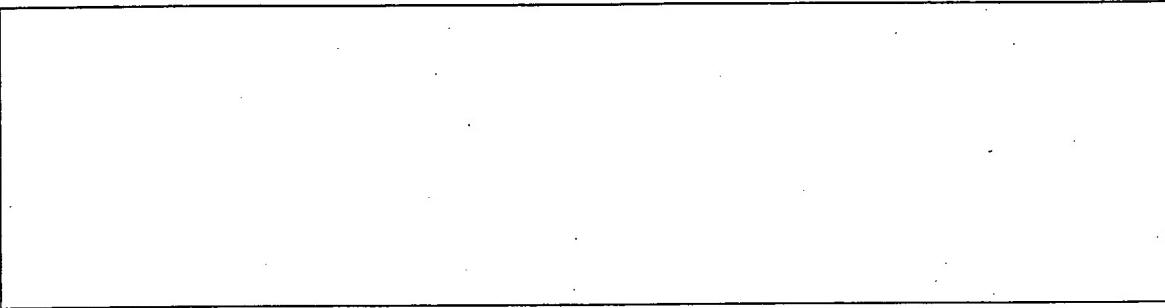
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**Accompanying Application Parts (Continued)**

17.  Applicant claims small entity status. See 37 CFR 1.27.  
 (Optional) Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_

18.  Additional Enclosures (*please identify below*):  


**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

19.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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**(Small Entity)**

*(Only for new nonprovisional applications under 37 CFR 1.53(b))*

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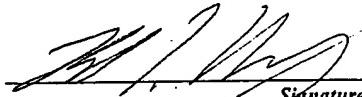
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	1	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	1	- 3 =	0	x \$43.00	\$0.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
					<b>BASIC FEE</b> \$385.00
OTHER FEE (specify purpose)					\$0.00
					<b>TOTAL FILING FEE</b> \$385.00

- A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
- Charge the amount of \_\_\_\_\_ as filing fee.
- Credit any overpayment.
- Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: APRIL 20, 2004

  
Signature

RUSSELL T. MANNING  
REGISTRATION NO. 51,260  
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3151 S. VAUGHN WAY #411  
AURORA, CO 80014  
720-562-5502  
CUSTOMER NO. 25231

CC:



6-20-05

Ifrw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

BURKART

Serial No.: 10/828,937

Filed: April 20, 2004

Atty. File No.: 4902-5-1

For: "FENCE POST ACCESSORY  
APPARATUS"

**Mail Stop: Amendments**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

- ) Group Art Unit: 3679
- )
- ) Examiner: Not Yet Assigned
- )
- ) **SECOND PRELIMINARY AMENDMENT**
- )
- ) "EXPRESS MAIL" MAILING LABEL NUMBER: EV556790161US
- ) DATE OF DEPOSIT: June 16, 2005
- ) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE VIA  
"EXPRESS MAIL" ADDRESSED TO THE COMMISSIONER FOR  
PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Chasity C. Rossum

SIGNATURE: Chasity C. Rossum

Dear Sir:

Prior to the initial review of the above-identified patent application by the Examiner, please enter the following Preliminary Amendment where the priorities in the first paragraph of the specification are corrected. These priorities were correctly stated on the transmittal when the present application was filed (a copy of the transmittal is provided herewith). Accordingly, Applicants do not believe that any fees are due even though the priorities in the first paragraph are being amended and it is beyond the four month time limit. This belief is due to the U.S. Patent and Trademark Office policy not requiring a petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) as stated in MPEP 201.112.III.D.

Please amend the above-identified patent application as follows: